



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL
COA-NCR Bldg., Batasan Road, Quezon City

FRANCIS N. TOLENTINO,
Protestant,

- versus -

SET CASE No. 001-16

LEILA M. DE LIMA,
Protestee.

X-----X

RESOLUTION NO. 16-08

The issues in the Amended Election Protest having been joined, the Senate Electoral Tribunal resolves to call the parties and their counsel to a preliminary conference.

ACCORDINGLY, the parties and their respective counsel are required to appear before the Tribunal at the preliminary conference to be held on Thursday, 06 October 2016, at the Supreme Court *En Banc* Conference Room, 2nd Floor, Supreme Court Building I, Padre Faura, Manila at 10:00 o'clock in the morning.

At the preliminary conference, the parties shall consider:

1. The simplification of issues;
2. The possibility of obtaining stipulation or admission of facts and of documents;
3. The limitation of the number of witnesses and the nature of their testimonies as to whether they relate to evidence *aliunde* the ballots, or otherwise;
4. The matter of reception of evidence to be done simultaneously with the revision of ballots if the evidence is intended to prove such

causes of action or defenses or issues which are unrelated to the ballots or election documents.

Matters not taken up during the preliminary conference shall be excluded from the evidentiary hearings.

5. The list of pilot precincts consisting of not more than twenty-five percent (25%) of the total number of contested precincts, which the party deems as best exemplifying or demonstrating the electoral fraud or anomaly pleaded;
6. The withdrawal of some contested precincts (especially those where, among others, the ballots are unavailable due to the existence of protests concerning other positions involving the said ballots or are missing and cannot be located or destroyed due to natural disasters or calamities); and
7. Such other matters as may aid in the prompt disposition of the election protest.

The failure of the Protester or his counsel to appear at the preliminary conference shall be cause for dismissal, *motu proprio*, of the election protest. If either the Protester or her counsel fails to appear at the preliminary conference, the Protester may be allowed to present evidence *ex parte* and the Tribunal shall render judgment based on the evidence presented.

The parties are required to file with the Tribunal not later than Tuesday, 27 September 2016, in fifteen (15) legible copies, and to serve on the adverse party, both through personal service, a preliminary conference brief, which shall contain:

1. A summary of admitted facts and documents as well as the proposed stipulation of facts and documents;
2. The issues to be tried or resolved;
3. The number and names of witnesses, the nature and substance of their respective testimonies;
4. A manifestation of whether the testimonies of the witnesses pertain to matters or issue *aliunde* the ballots and election documents;
5. A manifestation of the parties' intention to avail themselves of discovery procedures;
6. The documents or exhibits to be presented, stating their purpose;

- 7. The list of pilot precincts consisting of not more than twenty-five percent (25%) of the total number of contested precincts, which the party deems as best exemplifying or demonstrating the electoral fraud or anomaly pleaded; and
- 8. The proposals on the prompt disposition of the election protest, including the possible withdrawal of the election protest or some contested precincts, as well as the schedules of collection of ballot boxes and revision of ballots.

The failure of the parties to file the brief or filing a brief which does not comply with the required contents shall have the same effect as failure to appear at the preliminary conference.

SO ORDERED.

08 September 2016.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member

ARTURO D. BRION
Associate Justice
Member

CYNTHIA A. VILLAR
Senator
Member

Grace Poe
GRACE L. POE
Senator
Member

MA. LOURDES "NANCY" S. BINAY
MA. LOURDES "NANCY" S. BINAY
Senator
Member

Richard J. Gordon
RICHARD J. GORDON
Senator
Member

Franklin M. Drilon
FRANKLIN M. DRILON
Senator
Member

ANTONIO "SONNY" F. TRILLANES IV
Senator
Member